



Environment and Natural Resources Division

Environmental Defense Section  
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April 21, 2008

**VIA Federal Express**

Blue Eco Legal Council  
Steven B. Pollack, Esquire  
Executive Director  
3390 Commercial Avenue  
Northbrook, IL 60035  
steve@ecoescq.com

Re: *Pollack v. United States Dept. of Justice*, et al, No. 1:08-cv-00320 (N.D. Ill.)

Dear Mr. Pollack:

In our letter dated March 18, 2006, the United States identified the documents it would produce related to discovery of jurisdictional facts. With some exceptions noted below, the enclosed CD ROM contains those documents. We will supplement this production as necessary if additional responsive documents are identified.

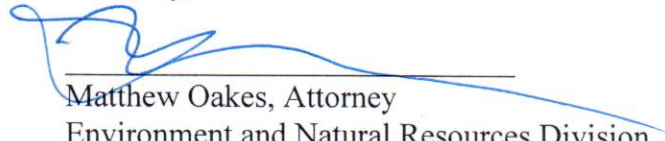
The production contains documents produced by the Federal Bureau of Investigation and by the United States Navy. Documents produced by the FBI have an FBI bates stamp. Documents produced by the Navy have a Navy bates stamp. At the beginning of each FBI document a redaction key is included. Each redaction by the FBI, in accordance with its guidelines, references the appropriate key number asserting the basis of the redaction. This production does not include documents that you indicated were "not needed" in your March 20, 2008, filing.

We have previously discussed the release of certain privileged FBI documents related to the quantity of ammunition purchased by the FBI and FBI procedures related to purchasing ammunition (in our previous discussions I have referred to this collection of documents as the "r-Ammon Budget 2005-2008" document). The United States has proposed releasing these documents pursuant to an appropriate protective order, and you have declined to agree to a protective order. We remain willing to discuss releasing this material, given that it is appropriately protected from public disclosure, and we believe an appropriate compromise can be reached that protects this sensitive information while still allowing you access to it for purposes of this case. The FBI asserts that this information is protected by the law enforcement privilege. *See, e.g., In re Department of Investigation of City of New York*, 856 F.2d 481, 484 (2d Cir. 1988). In response to your April 21, 2008, email requesting confirmation that we will not be turning over the "r-Ammon Budget" ammunition records, I can confirm that we are not turning over those documents today, and we are working with the FBI to formulate a final position with respect to these documents.

The list of non-law enforcement events at the FBI Range as to which you have inquired, and the dates of those events, can be found at bates pages FBI000004-5 for the 2007 calendar year and FBI000012-13 for the 2008 calendar year. The FBI has not yet located any additional documents related to non-law enforcement events at the North Chicago range.

Do not hesitate to contact me should you have any questions concerning this production.

Sincerely,



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Matthew Oakes, Attorney  
Environment and Natural Resources Division  
Environmental Defense Section

cc (via e-mail):

L. Wawzenski, USAO  
J.P. Glynn, DOJ Civil  
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